

APPALACHIAN VOICES,
CENTER FOR BIOLOGICAL
DIVERSITY, and
SIERRA CLUB,

V.

Defendant.

Case 3:23-cv-00604 Document 28 Filed 02/13/24 Page 1 of 4 PageID #: 370

the time he made his decision.” *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 420 (1971), *abrogated on other grounds by Califano v. Sanders*, 430 U.S. 99 (1977).

For the reasons discussed in the accompanying Memorandum of Facts and Law, Conservation Groups respectfully request that the Court grant their Motion and compel TVA to include in the Administrative Record:

- 1) TVA’s August 11, 2021 contract with the Tennessee Gas Pipeline Company and any expenses incurred in fulfilment of TVA’s obligations under the contract;
- 2) TVA’s December 22, 2022 contract with General Electric Company and any expenses incurred in fulfillment of TVA’s obligations under the contract;
- 3) The “FY22 Budget Power Supply Plan” that “TVA staff utilized . . . as the basis for the [Cumberland] Alternatives analysis.” AR 002419 (Final Environmental Impact Statement (EIS), App. B).
- 4) The “20-year study” TVA performed for each alternative “using expansion and production cost models.” AR 002419 (Final EIS, App. B).
- 5) “TVA’s financial and system analysis,” which TVA cited as a basis for concluding that Alternative A (a combined-cycle gas plant and gas pipeline) was the Preferred Alternative. AR 002425 (Final EIS, App. B).
- 6) Interconnection and transmission “evaluations [TVA] conducted during the EIS” for Alternative C. AR 002415 (Final EIS, App. B).
- 7) The “reliability analysis” TVA “performed . . . to determine an appropriate combination of solar and storage resources to maintain year-round system reliability for Alternative C.” AR 001870 (Final EIS).
- 8) The “current TVA load forecasts” of “increasing peak loads.” AR 001875–76 (Final

EIS).

- 9) The “analysis for the entire TVA-wide power system [TVA] performed using industry standard capacity planning and production cost models, ABB’s System Optimizer and Energy Exemplar’s Aurora.” AR 002115 (Final EIS).

Respectfully submitted,

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¹ As required by Local Rule 83.01(d)(3), Mr. Buppert is a member of the Tennessee bar and has provided his Tennessee Board of Professional Responsibility number.

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2024, I served a copy of the foregoing document on the following parties via the Court's electronic case filing system:

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